

## CHM 1

**1 GENERAL POLICY:** The 1996 revisions to Part 2422 of the Authority's Rules and Regulations introduce one universal petition to process all representation matters arising under sections 7111, 7112 and 7115 of the Statute. Formerly, seven separate petitions were required. This single petition, FLRA Form 21, streamlines the handling of representation matters and eliminates many problems associated with processing seven separate petitions. The single petition:

- a. permits the resolution of all issues raised concerning the representation of employees by labor organization(s);
- b. simplifies the filing requirements;
- c. avoids the procedural issues that formerly arose when the petitioner filed the wrong petition; and
- d. provides a more flexible approach to resolving complicated representational matters.

The 1996 regulations also contain a substantive rule in § 2422.34 to guide the parties' conduct while the petition is processed.

**These changes require Regional Directors to take a proactive role in identifying and resolving issues raised by the petition. Under the revised regulations, issues are not only defined by the results the petitioner seeks, but also by the facts and circumstances that caused the petition to be filed.** The new regulations require petitioners to provide on the new petition form: 1) a clear and concise statement of the issues raised by the petition and 2) the results the parties seek. **They do not require the petitioner to take a particular position or to limit the scope of the petition to one unit.** Significantly, the Regions are responsible for identifying and notifying all parties affected by issues raised by the petition. The regulations also encourage the parties, before filing the petition, and when appropriate, require the parties, after filing the petition, to meet with representatives of the Regional Office to narrow and resolve issues raised in the petition. It is the General Counsel's policy that Regional Directors also take a proactive role when processing petitions filed under Part 2426 of the regulations.

To carry out their responsibilities, Regional Office personnel are prepared to: 1) identify representation issues, 2) discuss applicable case law and 3) process these cases expeditiously. Any assistance rendered by Regional Office personnel to narrow and resolve issues is consistent with the Statutory requirements for appropriate units and unit eligibility. The Representation Case Handling Manual (*CHM*), Representation Case Law Guide (*RCL*) and the Hearing Officer's Guide (*HOG*) provide the framework for processing representation cases filed under the Statute. The *CHM* offers operational and procedural guidance to ensure consistency and uniformity among the Regional Offices, but does not substitute for professional judgement and experience. As mandated by the 1996 revisions to the regulations, the emphasis is “**an appropriate resolution**” of representation matters.

- 1.1 Quality standards in representation case processing:** Every participant in the processing of a representation petition has the right to expect that case processing procedures will meet basic standards of quality. Petitions may have different purposes, seek different results and be processed differently, but every participant has the right to expect consistent standards of quality, regardless of which Regional Office is processing the case. This subsection describes the standards to be followed by all Regional Offices when processing representation petitions.
- 1.1.1** Each region is responsible for developing and implementing procedures to:
- a. Ensure that representation petitions are processed in a timely and efficient manner;
  - b. Enable all Regional Office employees to understand the importance of maintaining a high level of quality in processing representation petitions and to understand the standards for quality in the Office of the General Counsel;
  - c. Identify any assistance (such as additional training) that Office of the General Counsel employees may require to meet these quality standards;
  - d. Assess the quality of the processing of every petition in a representation case;
  - e. Ensure that applicable quality standards have been met before taking any dispositive action; and
  - f. Provide that high levels of quality are maintained in the processing of all representation cases.

**1.1.2** Essential quality standards required in every representation case include:

- a. The purpose of the petition is properly identified and the region assists the petitioner to ensure that the petition is filed consistent with the Statute and the regulations.** The region takes a proactive role in assisting parties in ensuring representation petitions are properly filed. The purpose of the petition is discussed with the petitioner and identified prior to beginning the investigation. When appropriate, the region is also available to meet with a petitioner prior to filing a petition to provide technical assistance. All parties that may be affected by or have an interest in a petition are also encouraged to meet with the region prior to filing a petition to narrow and resolve issues.
- b. The region identifies all issues including those defined by what the petitioner seeks and those defined by the facts and circumstances giving rise to the petition.** Issues are not only defined by the results that the petitioner seeks, but also by the facts and circumstances that caused the petition to be filed. The region assists the parties in exploring the totality of the facts to better understand the range of issues raised by the situation.
- c. The investigation obtains the best possible relevant evidence.** The region notifies any labor organization and agency it identifies that may be affected by issues raised in the petition and provides an opportunity for that labor organization and agency to participate in the process. All evidence, whether documentary or testimonial, may be relevant. The region obtains evidentiary information relevant to the issues raised by the petition in a manner that expedites the processing of the case. Such evidence is in the form of affidavits, documentation, position statements and/or legal arguments. The region obtains this evidence through either an investigation or a fact-finding hearing. The region informs the parties of the investigative process and its appropriateness.
- d. The case file contains all relevant evidence and information obtained during the investigation that provides a basis for the Regional Director's decision.** The case file contains all relevant documentary and testimonial evidence discovered and submitted during the investigation. The file also reflects the region's decisional process.

- e. **All parties are treated fairly and equitably and the representation case handling process is explained to the parties.** The representation process is the cornerstone for establishing the collective bargaining relationship between agencies and labor organizations. The representation proceeding is a nonadversarial process. It is critical that the parties view the Regional Office as neutral and impartial and have confidence that any decision will be consistent with the requirements of the Statute.

The manner in which the case is processed is as important as the evidence it obtains. To achieve this standard, all Regional Office employees:

- < conduct meetings to define, narrow and resolve issues;
- < clarify, whenever appropriate, the purposes and procedures of the investigation or hearing;
- < provide fair, appropriate and impartial technical assistance to all parties, as necessary;
- < encourage and assist the parties in entering into resolutions that resolve the issues raised by the parties and are consistent with the Statute; and
- < conform to appropriate ethical standards of behavior at all times.

- f. **Representation elections are conducted in a fair and impartial manner, so that each eligible voter has an opportunity to cast a secret, uncoerced ballot.** All representation elections, whether conducted on-site or by mail, are conducted in a fair and neutral basis. The sanctity of the ballot is protected at all times and the region takes steps in preparing for and conducting the election to ensure that each eligible voter is afforded an opportunity to cast a secret, uncoerced ballot. The election process is clearly explained to the parties.

- g. **Hearings are conducted in a fair and impartial manner and create a complete factual record upon which the Regional Director can make a well reasoned and supportable decision.** Representation hearings are fairly and expeditiously conducted, and all Hearing Officer rulings are impartial. As a nonadversarial

process, the Hearing Officer ensures that all evidence relevant to the issues raised by the petition is contained in the official record of the hearing.

- h. **Representation petitions are processed as expeditiously as possible.** Representation cases are processed as expeditiously as possible, taking into consideration the resources available to the Regional Office and the number of pending cases.

**1.2 Overview of basic representation procedures and glossary:** Although techniques used in processing representation cases do not lend themselves to fixed rules, every Regional Office process representation petitions utilizing certain specified steps. By outlining the sequence of events common to processing representation petitions, this subsection defines terms and phrases used routinely throughout the *CHM*.

- a. When a petition is received by the Regional Office, it is **docketed**. **Docketing** includes date-stamping the petition and assigning it a case number (for docketing and case tracking procedures, see [CHM 63](#); for filing and service requirements, see [CHM 5 through 10](#)).
- b. Once docketed, a petition is **checked for sufficiency** with the filing requirements set forth in the regulations [see [CHM 12](#) (*defective petitions*), [13](#) (*requirements for amendments*), [18](#) (*showing of interest requirements*) and [20](#) (*preliminary investigative procedures*)].
- c. A petition/case is **opened** when the Regional Director takes action to notify the parties of the filing of the petition in accordance with § 2422.6 and § 2422.7 (see [CHM 15](#) - *opening procedures including identifying and notifying parties*).
- d. After a case is opened, it is formally **investigated** (see [CHM 18 through 28](#)). Investigating a petition includes:
  - (i) identifying additional parties affected by issues raised by the petition;
  - (ii) outlining the issues presented by the petition and identified by Regional Director following his analysis (reading) of the petition;
  - (iii) gathering evidence and information that is crucial to

- resolving the representation matters underlying the petition;
  - (iv) meeting with the parties as necessary to narrow and resolve issues;
  - (v) conducting a hearing; and/or
  - (vi) making other determination(s) to assist the Regional Director in reaching a decision or taking appropriate action (see § 2422.30).
- e. Regional Director takes **actions** after the investigation and/or hearing. A hearing may be required following the Region's investigation. By taking an "**action**," the Regional Director resolves the matter in dispute and, when appropriate, directs an election or approves an election agreement, or issues a Decision and Order (see § 2422.30).
- f. Subsequent activity in representation cases may include conducting **elections**, **clarifying** or **amending** units, investigating **challenged ballots** or **objections to elections**, issuing a **certification** or **revocation**, or taking any **other action** necessary to resolve the case.